

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

HORTON HOMES, INC.,

Plaintiff,

V.

**LARUE BANDY, MARIE BANDY,
PATRICK PRITCHETT, WILLIAM
SHANER, ELSIE FONDREN
AVERETTE, WILLIAM CRUTHIRDS,
and SHERRIE CRUTHIRDS,**

Defendants.

CIVIL ACTION NO. 2:07-cv-506-MEF

JURY TRIAL DEMANDED

AMENDED ANSWER

COME NOW the Defendants in the above-styled cause and hereby amend their answer to the Complaint, First Amended Complaint and Second Amended Complaint as follows:

1. Defendants re-allege and incorporate by reference all of the responses and defenses stated in Defendants initial answer in June, 2007.
2. Paragraph 5 admitted.
3. Paragraph 12 admitted.
4. Paragraph 13 admitted.
5. Paragraph 18 admitted.
6. Paragraph 68 admitted.
7. Paragraph 71 denied and demands strict proof thereof.
8. Defendants plead the Anti-Injunction Act 28 USCA § 2283 and all authorities construing said statute.

9. Defendant Shaner specifically pleads res judicata, judicial and collateral estoppel.
10. Defendants plead that this court lacks subject matter jurisdiction of this matter.

JURY DEMAND

Defendants hereby demand a jury trial on all issues so triable.

ATTORNEYS FOR DEFENDANTS:

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RANDY MYERS (MYE003)

/s/ Frank H. Hawthorne, Jr.
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/s/ Mike S. Harper
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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing has been served upon all counsel of record by placing a copy of same in the United States Mail, first class postage prepaid, and properly addressed, this the 28th day of June, 2007:

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/s/ Frank H. Hawthorne, Jr.

OF COUNSEL